

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

To:

TRANSLATION
PCT

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

		Date of mailing (day/month/year)
Applicant's or agent's file reference S05P0199W000		FOR FURTHER ACTION See paragraph 2 below
International application No. PCT/JP2005/002322	International filing date (day/month/year) 16.02.2005	Priority date (day/month/year) 23.02.2004
International Patent Classification (IPC) or both national classification and IPC		
Applicant SONY CORPORATION		

1. This opinion contains indications relating to the following items:

<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Box No. I	Basis of the opinion										
Box No. II	Priority										
Box No. III	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability										
Box No. IV	Lack of unity of invention										
Box No. V	Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement										
Box No. VI	Certain documents cited										
Box No. VII	Certain defects in the international application										
Box No. VIII	Certain observations on the international application										

2. **FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/JP	Authorized officer
Facsimile No.	Telephone No.

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International application No.
PCT/JP2005/002322

Box No. I Basis of this opinion

1. With regard to the language, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
 This opinion has been established on the basis of a translation from the original language into the following language _____, which is the language of a translation furnished for the purposes of international search (under Rule 12.3 and 23.1(b)).
2. With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material
 a sequence listing
 table(s) related to the sequence listing
 - b. format of material
 in written format
 in computer readable form
 - c. time of filing/furnishing
 contained in the international application as filed.
 filed together with the international application in computer readable form.
 furnished subsequently to this Authority for the purposes of search.
3. In addition, in the case that more than one version or copy of a sequence listing and/or table(s) relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

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Box No. V		Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement																									
<p>1. Statement</p> <table> <tr> <td>Novelty (N)</td> <td>Claims</td> <td>1-31</td> <td>YES</td> </tr> <tr> <td></td> <td>Claims</td> <td></td> <td>NO</td> </tr> <tr> <td>Inventive step (IS)</td> <td>Claims</td> <td></td> <td>YES</td> </tr> <tr> <td></td> <td>Claims</td> <td>1-31</td> <td>NO</td> </tr> <tr> <td>Industrial applicability (IA)</td> <td>Claims</td> <td>1-31</td> <td>YES</td> </tr> <tr> <td></td> <td>Claims</td> <td></td> <td>NO</td> </tr> </table>				Novelty (N)	Claims	1-31	YES		Claims		NO	Inventive step (IS)	Claims		YES		Claims	1-31	NO	Industrial applicability (IA)	Claims	1-31	YES		Claims		NO
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<p>2. Citations and explanations:</p> <p><u>Claims 1-31</u></p> <p>Document 1: JP 9-259527 A (Pioneer Electron Corp.) 03 October 1997, full text, all drawings & US 2004/0095812 A1</p> <p>Document 2: JP 2000-112673 A (Toshiba Corp.) 21 April 2000, Par. Nos. 0321-0334 & EP 1120787 A1</p> <p>Document 1 describes a technology, in which the approach used in determining the placement of recorded data on a recording medium with a plurality of recording layers consists in placing data in VTS units as the smallest units, thus enabling continuous reproduction even when the layer reproduced from an optical disk with a dual layer structure is changed, and, furthermore, as described in Par. Nos. 0042-0047, the continuously reproduced data is placed in an area permitting continuous reproduction using interleaved units.</p> <p>In the invention described in cited document 1, the method used for determining the data groups used as the smallest units differs from the inventions of the claims. However, determination of contiguous data areas based on a function comprising the system transfer rate, physical transfer rate, access time, and head skip time, as described in cited document 2, is a well-known technology, and it would be easy for a person skilled in the art to make use of this well-known technology when determining the data groups described in cited document 1.</p> <p>It should be noted that although the use of a table in claim 28 makes it different from document 1 and document 2, using a table to set parameters is conventional technology and, as a result, this is considered a matter of design variation that can be determined as deemed appropriate by a person skilled in the art.</p>																											

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